

HOUSE BILL REPORT

HB 2075

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to termination of parental rights petitions.

Brief Description: Concerning termination of parental rights petitions.

Sponsors: Representatives Hinkle and Walsh.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/22/07, 2/27/07 [DPS].

Brief Summary of Substitute Bill

- Allows the Department of Social and Health Services to file a petition for termination of parental rights if a parent indicates an unwillingness to care for a child, or has no contact with the child, for 15 months following the child's removal from home and after having been given the opportunity to have contact with the child.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

In order to have the child returned to the parent's care and the dependency dismissed, the parent must comply with the orders of the court to address the parental deficiencies which led

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to the dependency. If the parent fails to make progress in curing the parental deficiencies a termination petition may be filed by the Department of Social and Health Services (Department). The termination petition must allege the following:

- the child has been found to be a dependent child;
- the court has entered a dispositional order pursuant to RCW 13.34.130;
- the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;
- the services ordered and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;
- there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
- continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

There are, however, a few limited circumstances in which the Department does not need to allege these factors, including the following situations:

- The petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.
- The petition may allege the parent has been convicted of murder, manslaughter, or homicide by abuse of another child or the attempt to commit one of these offenses, or assault in the first or second degree against one of the parent's children.

Once a petition has been filed, the court must then hold a hearing to determine whether to terminate parental rights. If the court finds the grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward the child.

Summary of Substitute Bill:

The Department is required to file a petition to terminate the parental rights of a parent under the following circumstances:

- a dependent child has been removed from the home of a parent for 15 months;
- the parent has indicated an unwillingness to care for the child or has had no contact with the child, for the 15 months following the child's removal from home; and
- the permanent plan for the child is adoption.

Once the petition is filed, the court may terminate the parent's rights to the child only if the court finds the following:

- a dependency petition has been filed;
- a dispositional order has been entered;
- the child has been removed from the parent for at least six months;
- the following factors exist:
 - 15 months have elapsed since the child was removed from the parent;
 - the parent has been given the opportunity to contact and have a relationship with the child; and
 - the parent has indicated an unwillingness to care for the child or has failed to have contact with the child; and
- termination of parental rights is in the best interests of the child.

Substitute Bill Compared to Original Bill:

The substitute bill replaces the creation of an aggravating factor with the ability of the Department to file a petition for termination of parental rights when a parent fails to have contact with a child. The substitute bill also sets out the criteria the court must find before the court may terminate the parental rights.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support of original bill) Sirita Sotelo's biological father did not get involved in her life for nearly four years. It would have been easier for her to form a bond if he had entered her life earlier. I am now in the same situation with my foster child. The father appeared after she was with us for four years. The social workers told me he has not had his 18 months of services yet. Parents need to opt-in or opt-out. This bill only requires the petition to be filed. Children have a right to permanency.

(Opposed to original bill) The bill requires the filing of a termination petition on one parent while the state is still working with the other parent. This could limit a source of child support if the child is reunified with the other parent. In some cases a father's rights could be terminated when he did not even know about the child.

Persons Testifying: (In support of original bill) Gary Malkasian.

(Opposed to original bill) Robert Wyman, Washington Defender's Association.

Persons Signed In To Testify But Not Testifying: None.